

Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: 50
AGENDA DATE: Thu 04/15/2004
PAGE: 1 of 1

SUBJECT: C14-04-0004.002 (PART) - Crestview Neighborhood Plan District Rezoning - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7700 - 7720 North Lamar Boulevard and 822 Taulbee Lane (Tract 123); and property located south of Morrow Street, west of Lamar Boulevard and northeast of the Southern Pacific Railroad tracks (Tracts 160a, 160b and 160c) (Waller Creek Watershed.) The Residential Infill special use is proposed for Tract 160a, the Neighborhood Mixed Use Building special use is proposed for Tract 123, and the Neighborhood Urban Center special use is proposed for Tract 160a. The proposed zoning change will also change the base district on 4 tracts of land
from: family residence (SF-3) district zoning; multi-family residence medium density (MF-3) district zoning; multi-family residence moderate-high density (MF-4) district zoning; general commercial services (CS) district zoning; commercial-liquor sales (CS-1) district zoning; and limited industrial services (LI) district zoning
to: general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract 123; and limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning for Tract 160a, Tract 160b and Tract 160c, with conditions. First reading on March 4, 2004. Vote: 6-0, McCracken off the dais. Second Reading on April 1, 2004. Vote 6-0, Goodman off the dais. Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporates the conditions imposed or accepted by City Council at second ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Wendy Walsh). City Staff: Wendy Walsh, 974-7719 and Scott Whiteman, 974-2865.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

THIRD READING SUMMARY SHEET

ZONING CASE NUMBERS: C14-04-0004.002 (PART)– Crestview Neighborhood Plan Combining District (NPCD) Rezoning

REQUEST:

Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 7700 – 7720 North Lamar Boulevard and 822 Taulbee Lane (Tract 123) ; and property south of Morrow Street, west of Lamar Boulevard and northeast of the Southern Pacific Railroad tracks (Tracts 160a, 160b and 160c) (Waller Creek Watershed). The Residential Infill special use is proposed for Tract 160a; the Neighborhood Mixed Use Building special use is proposed for Tract 123; and the Neighborhood Urban Center special use is proposed for Tract 160a. The proposed zoning change will also change the base district on 4 tracts of land
from: family residence (SF-3) district zoning; multi-family residence medium density (MF-3) district zoning; multi-family residence moderate-high density (MF-4) district zoning; general commercial services (CS) district zoning; commercial-liquor sales (CS-1) district zoning; and, limited industrial services (LI) district zoning
to: commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract 123; and limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning for Tract 160a, Tract 160b and Tract 160c.

DEPARTMENT COMMENTS:

The City Council adopted the entire Crestview / Wooten Neighborhood Plan, including Tracts 123 and 160, on April 1, 2004. With the exception of Tracts 123 and 160, zoning changes to create a Neighborhood Plan Combining District (NPCD) covering the entire area were also approved on Second and Third Readings on April 1, 2004.

For Tract 123, the association for the adjacent condominiums is scheduled to meet and vote on the applicant’s proposed private restrictive covenant prior to the City Council meeting. Please refer to Attachment A, which is the applicant’s proposed covenant.

For Tract 160a, Tract 160b and Tract 160c, representatives of Huntsman Petrochemical Corporation and the Parks and Recreation Department (PARC) will meet to discuss the dedication of parkland to the City and whether the open space requirement outlined in the Planned Development Area (PDA) can fulfill the parkland dedication requirement.

The Transportation, Planning and Sustainability Department (TPSD) has provided a comparison of traffic counts taken on Morrow Street in 1998 and 2004, as outlined in the table below:

| Street | East/Northbound Trips | West/Southbound Trips | Total Daily Trips |
|--|-----------------------|-----------------------|-------------------|
| Morrow—1200 Block (Adjacent to Huntsman Tract) (2004 count) | 1,633 | 737 | 2,370 |
| Morrow—1700 Block (2004 count) | 1,460 | 1,215 | 2,675 |
| Woodrow—7300 Block (2004 count) | 2,755 | 2,654 | 5,409 |
| Morrow—1200 Block (1998 count) | 2,328 | 1,066 | 3,394 |

APPLICANT: City of Austin - Neighborhood Planning and Zoning Department (Scott Whiteman)

AGENT: City of Austin - Neighborhood Planning and Zoning Department (Wendy Walsh).

DATE OF FIRST READING: March 4, 2004, approved CS-MU-CO-NP district zoning for Tract 123; approved LI-PDA-NP district zoning for Tract 160a, Tract 160b and Tract 160c, as recommended by the Planning Commission, on 1st Reading (6-0, McCracken off the dais).

DATE OF SECOND READING: April 1, 2004, approved CS-MU-CO-NP district zoning for Tract 123; approved LI-PDA-NP district zoning for Tract 160a, Tract 160b and Tract 160c, as approved on First Reading, on 2nd Reading (6-0, Goodman off the dais).

CITY COUNCIL HEARING DATE: April 15, 2004

CITY COUNCIL ACTION:

ORDINANCE NUMBERS:

ASSIGNED STAFF: Wendy Walsh, e-mail: wendy.walsh@ci.austin.tx.us

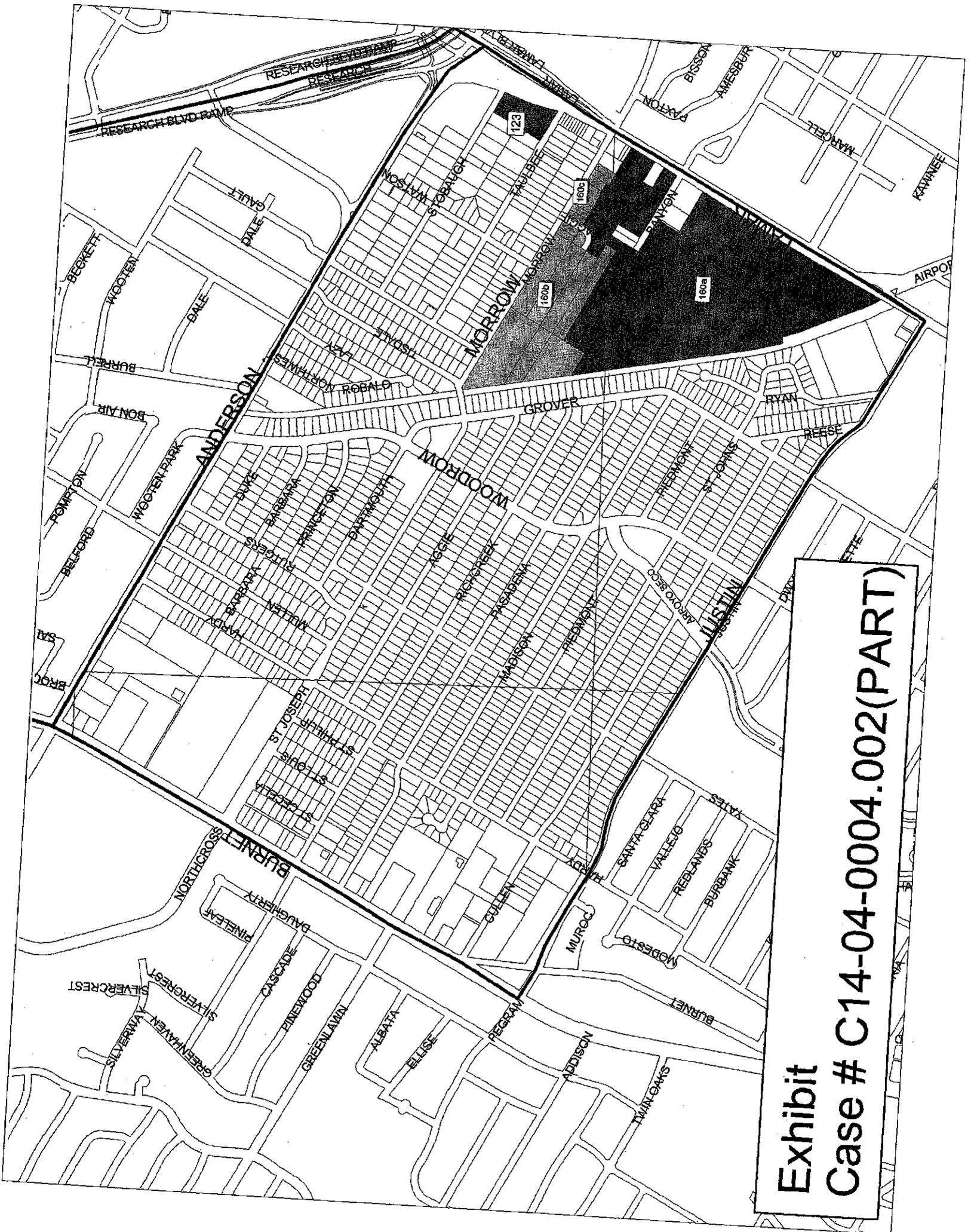


Exhibit
Case # C14-04-0004.002(PART)



Lopez-Phelps
& Associates, LLC

February 10, 2004

Planning Commission
City of Austin.

RE: Preliminary Letter of Agreement
Tract 123
7700-7720 N. Lamar Blvd., and 822 Taulbee Lane
Continental Auto

Dear Commissioners:

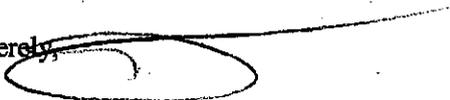
We ask that two items are allowed uses included as follows, Vehicle Storage and Limited Warehouse/distribution. We have discussed this with the neighborhood and agreed to the following for their support of this request.

The items listed below were discussed with the intent to provide solutions to meet as many concerns as possible and that are feasible. The following were items discussed:

- Agreement to research off site parking for employees, if available, on surrounding properties. This may require off-site parking agreements, and/or purchase of other properties with proper zoning, or other options;
- Replace existing fencing along Condo Subdivision, with a solid fence, using materials to be determined, and to be discussed with neighborhood group. Costs will be discussed with the Condo Subdivision, to determine if expenses will be shared, per the neighborhoods' offer.
- Client will research sound proofing materials available and used for this type of facility, with the attempt to minimize the noise from the facility;
- For security reasons, all security wiring must stay in place, however, the landscaping as noted below, could provide a visual buffer for the Condo Subdivision;
- Landscape plans will be provided to plant vines and trees on the property side of the Condo Subdivision, which will also be owned and maintained by them. An irrigation system will be researched to confirm requirements, existing conditions and costs, which will be discussed with the neighborhood. The landscaping, once established, can provide a visual buffer for the Condo Subdivision.

The items listed above have been agreed upon by the client, and will need to be discussed in more detail with the neighborhood representatives. The detailed agreement will be finalized in the form of a formal agreement, to be adopted prior to City Council adoption of the Neighborhood Plan.

Sincerely,


Amelia Lopez-Phelps
Lopez-Phelps & Associates, LLC
M 512-809-8790 / O 512-236-8707

- ATTACHMENT A -
PRIVATE RESTRICTIVE COVENANT
FOR TRACT 123

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 040401-32B AND REZONING AND CHANGING THE ZONING MAP TO ADD A NEIGHBORHOOD PLAN COMBINING DISTRICT TO THE BASE ZONING DISTRICTS ON FOUR TRACTS OF LAND, BEING APPROXIMATELY 75.7 ACRES OF LAND IN THE CRESTVIEW NEIGHBORHOOD PLAN AREA AND TO CHANGE THE BASE ZONING DISTRICTS ON THESE FOUR TRACTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Ordinance No. 0040401-32B is amended to include the property identified in this Part in the Crestview neighborhood plan combining district. The zoning map established by Section 25-2-191 of the City Code is amended to add a neighborhood plan (NP) combining district to each base zoning district and to change the base zoning districts on four tracts of land described in File C14-04-0002.002, as follows:

7700-7720 N. Lamar Blvd, and
822 Taulbee Ln (Tract 123)

7100-7400 N Lamar Blvd (11.499 ac. Abs 679, Sur 7 GW Spear),
7414 N Lamar Blvd (31.887 ac Abs 789 Sur 57 GW Spear),
7500 N Lamar Blvd (Lot 2A Resub of
Lots 1-2 Northern Commercial Subd),
7520-7524 N Lamar Blvd (Lots 1-4 Blk A Northgate Addn),
7526-7530 N Lamar Blvd (Trt 1-2 Kivlin-Smith Subd),
810 Banyon St (Lot 3 Northern Commercial Subd),
904-910 Banyon St (Lots 1-4 Northern Industrial Subd),
1007-1019 Aggie Ln (Lots 7-12 Blk A Resub of
Lots 21-23 Northgate Addn), and
907 Morrow St (S 252 ft of Trt 3 Kivlin-Smith Subd) (Tract 160a)

1016 Aggie Ln, and
1001-1209 Morrow St (Tract 160b)

821-901 Morrow St,
907 Morrow St (N 149.84 ft of
Trt 3 Kivlin-Smith Subd), and
909-913 Morrow St (Tract 160c)
(the "Property"),

generally known as the Crestview neighborhood plan combining district, locally known as the area bounded by Anderson Lane on the north, Lamar Boulevard on the east, Justin Lane on the south, and Burnet Road on the west, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The base zoning districts for the 4 tracts of land are changed from family residence (SF-3) district, multifamily residence medium density (MF-3) district, multifamily residence moderate high density (MF-4) district, general commercial services (CS) district, commercial-liquor sales (CS-1) district, and limited industrial services (LI) district to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district, and limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district, as more particularly described and identified in the chart below.

| Tract No. | Property | From | To |
|-----------|--|--------------------------------|-------------|
| 123 | 7700-7720 N Lamar Blvd; 822 Taulbee Ln | CS | CS-MU-CO-NP |
| 160a | 7100-7400 N Lamar Blvd (11.499 AC OF ABS 679 SUR 7 SPEAR G W), 7414 N Lamar Blvd (31.887 AC OF ABS 789 SUR 57 SPEAR G W), 7500 N Lamar Blvd (LOT 2A RESUB OF LOTS 1-2 NORTHERN COMMERCIAL SUBD), 7520-7524 N Lamar Blvd (LOTS 1-4 BLK A NORTHGATE ADDN), 7526-7530 N Lamar Blvd (TRT 1-2 KIVLIN-SMITH SUBD), 810 Banyon St (LOT 3 NORTHERN COMMERCIAL SUBD), 904-910 Banyon St (LOTS 1-4 NORTHERN INDUSTRIAL SUBD), 1007-1019 Aggie Ln (LOTS 7-12 BLK A RESUB LOTS 21-23 NORTHGATE ADDN), 907 Morrow St (\$ 252 FT OF TRT 3 KIVLIN-SMITH SUBD) | LI, CS, CS-1, MF-4, MF-3, SF-3 | LI-PDA-NP |
| 160b | 1016 Aggie Ln, 1001-1209 Morrow St (as described in Exhibit "C") | LI, SF-3 | LI-PDA-NP |

PART 3. The Property is subject to Ordinance No. 040401-32B that established the Crestview neighborhood plan combining district.

PART 4. Tract 160a may be developed as a residential infill special use as set forth in Section 25-2-1532 through 25-2-1534 of the Code.

1 **PART 5.** Tract 160a may be developed as a neighborhood urban center special use as set
2 forth in Sections 25-2-1521 through 25-2-1524 of the Code.

3
4 **PART 6.** The Property identified as Tract 123 within the boundaries of the conditional
5 overlay combining district established by this ordinance is subject to the following
6 conditions:

7
8 1. The following uses are conditional uses of Tract 123:

9
10 Adult oriented businesses
11 Equipment repair

Commercial blood plasma center
Equipment sales

12
13 2. Pawn shop services use is a prohibited use of Tract 123.

14
15 Except as specifically restricted under this ordinance, the Property may be developed and
16 used in accordance with the regulations established for the general commercial services
17 base district and other applicable requirements of the City Code.

18
19 **PART 7.** Development of the Property identified as Tracts 160a, 160b, and 160c located
20 within the boundaries of the planned development area (PDA) combining district
21 established by this ordinance is subject to the use and site development regulations set
22 forth in this part.

23
24 1. Development of the Property shall comply with Section 25-2-648 (*Planned*
25 *Development Area Performance Standards*) of the City Code.

26
27 2. Except as provided in Sections 3 to 7, all permitted and conditional limited industrial
28 services LI uses are permitted and conditional uses of Tracts 160a, 160b and 160c.

29
30
31 3. The following uses are additional permitted uses of Tract 160a:

32
33 Administrative services
34 Bed and breakfast residential (Group 1)
35 Bed and breakfast residential (Group 2)
36 Consumer repair services
37 Convalescent services
38 Multifamily residential
39 Pet services
40 Park and recreation services (general)

Park and recreation services (special)
Research assembly services
Research warehousing services
Retirement housing (large site)
Retirement housing (small site)
Single family residential
Townhouse residential
Urban farm

1 4. The following uses are prohibited uses of Tracts 160a, 160b and 160c:
2

3 Agricultural sales and services
4 Automotive repair services
5 Automotive sales
6 Automotive washing (of any type)
7 Campground
8 Convenience storage
9 Drop-off recycling collection facility
10 Equipment repair services
11 Equipment sales
12

Kennels
Liquor sales
Monument retail sales
Outdoor entertainment
Recycling center
Resource extraction
Scrap and salvage
Vehicle storage

13 5. The following uses are additional permitted uses of Tracts 160b and 160c:
14

15 Bed and breakfast residential (Group 1)
16 Condominium residential
17 Park and recreation services (special)
18 Single family residential
19 Two-family residential
20

Bed and breakfast residential (Group 2)
Park and recreation services (general)
Retirement housing (small site)
Townhouse residential
Urban farm

21 6. The following uses are prohibited uses of Tracts 160b and 160c:
22

23 Administrative and business offices
24 Art and craft studio (general)
25 Automotive rentals
26 Building maintenance services
27 Business support services
28 Construction sales and services
29 Electronic prototype assembly
30 Financial services
31 Funeral services
32 General retail sales (limited)
33 Indoor entertainment
34 Laundry services
35 Personal improvement services
36 Plant nursery
37 Research services
38 Restaurant (limited)
39 Software development
40 Veterinary services
41 Custom manufacturing

Art and craft studio (limited)
Art and craft studio (industrial)
Bail bond services
Business or trade school
Commercial off-street parking
Consumer convenience services
Exterminating services
Food sales
General retail sales (general)
Hotel-motel
Indoor spots and recreation
Medical offices
Personal services
Professional office
Restaurant (general)
Service station
Theater
Basic industry
General warehousing and distribution

1 Light manufacturing
2 Counseling services
3 Maintenance and service facilities
4 Residential treatment
5 Transportation terminal

Limited warehousing and distribution
Congregate living
Railroad facilities
Transitional housing

7. The following uses are conditional uses of Tracts 160b and 160c:

8 College and university facilities
9 Day care services (commercial)
10 Local utility services
11 Off-site accessory parking

Cultural services
Day care services (general)
Safety services

8. Calculations for zoning impervious cover, building coverage, and floor to area ratios shall be based cumulatively on the gross site area of the PDA Property.

9. Except as provided in Sections 11 to 14, the CS site development standards apply to Tract 160a.

10. Except as provided in Sections 11 and 12, the SF-6 site development standards apply to Tracts 160b and 160c.

11. The site development standards in Schedule 1, Column A, set forth in Section 23 apply to a single family residential use.

12. The site development standards in Schedule 1, Column B, set forth in Section 23 apply to a townhouse residential use or condominium residential use.

13. The uses identified in this section are subject to Section 14.

Congregate living
Convalescent services
Multifamily residential

Retirement housing (small site)
Retirement housing (large site)

14. Except as provided in Section 15, development of the uses in Section 13 shall comply with the site development standards in Schedule 1, Column C.

1 15. This section applies to a combination use building.

2
3 A. A combination use building is a building that contains both a commercial use
4 and (1) a residential use, or (2) a congregate living use or a convalescent
5 services use.

6 B. A combination use building must comply with the following criteria:

7
8 1. The building must contain residential units above the ground floor.

9
10 2. The square footage of the residential units on the ground floor may not
11 exceed 50 percent of the gross floor area of the ground floor.

12
13 3. The square footage of the non-residential units in the above-ground floor area
14 may not exceed 50 percent of the gross floor area of the above-ground floor
15 area.

16
17 C. The CS site development standards apply to a combination use building.

18
19 16. The maximum density is 1,472 dwelling units for a residential use identified in this
20 section.

- | | | |
|----|--|--|
| 21 | 22 Bed and breakfast residential (Group 1) | 22 Bed and breakfast residential (Group 2) |
| 23 | 23 Condominium residential | 23 Duplex residential |
| 24 | 24 Group residential | 24 Mobile home residential |
| 25 | 25 Multifamily residential | 25 Retirement housing (small site) |
| 26 | 26 Retirement housing (large site) | 26 Single family attached residential |
| 27 | 27 Single family residential | 27 Small lot single family residential |
| 28 | 28 Townhouse residential | 28 Two-family residential |

29
30 17. The uses identified in this section are subject to Sections 18 to 21.

- | | | |
|----|------------------------|---|
| 31 | 32 Basic industry | 32 General warehousing and distribution |
| 33 | 33 Light manufacturing | |

34
35 18. A building setback in Section 19 shall not apply to a use or zoning district identified
36 in Section 19 that is located east of Lamar Boulevard or on Tracts 147, 148, and 149.

- 1
2 19. A 200-foot wide building setback shall be established between a use identified in
3 Section 17 and:
4
5 A. A use identified in Section 13.
6
7 B. A residential use including a combination use building
8
9 C. A multifamily residence highest density (MF-6) district or less restrictive
10 zoning district.
11
12 20. Notwithstanding the requirements of this ordinance, development of the Property is
13 subject to Chapter 25-2, Subchapter C, Article 10 (*Compatibility Standards*).
14
15 21. A use identified in Section 17 is a prohibited use of the property located in the vicinity
16 of Banyon Street as shown in Exhibit "D".
17
18 22. A minimum 17.4 acres of the Property shall be open space. Open space may include a
19 community recreation (private or public) use. Yard and setback areas may not be
20 included as required open space except as required for a community recreation
21 (private or public) use.
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23. Schedule 1 Site Development Chart.

| Regulation | COLUMN A SINGLE FAMILY RESIDENTIAL | COLUMN B TOWNHOUSE & CONDOMINIUM | COLUMN C ALL OTHER RESIDENTIAL USES |
|---|---|---|--|
| Minimum Lot Size | 3,500 SF | 2,000 SF | 5,750 SF |
| <i>Minimum Lot Width</i> | 30 FT | 20 FT | 50 FT |
| <i>Maximum Height</i> | 35 FT | 35 FT | 60 FT |
| <i>Minimum Front Yard Setback</i> | 10 FT | 5 FT | 5 FT |
| <i>Minimum Front Garage Setback</i> | 20 FT | 20 FT | -- |
| <i>Minimum Street Side Yard Setback</i> | 10 FT | 10 FT | 10 FT |
| <i>Minimum Interior Side Yard Setback</i> | 5 FT | 0 FT | 5 FT |
| <i>Minimum Rear Yard Setback</i> | 5 FT | 5 FT | 10 FT |
| <i>Maximum Building Coverage</i> | 55% | 70% | 75% |
| <i>Maximum Impervious Cover</i> | 65% | 75% | 80% |

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

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PART 8. This ordinance takes effect on _____, 2004.

PASSED AND APPROVED

_____, 2004

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§
§

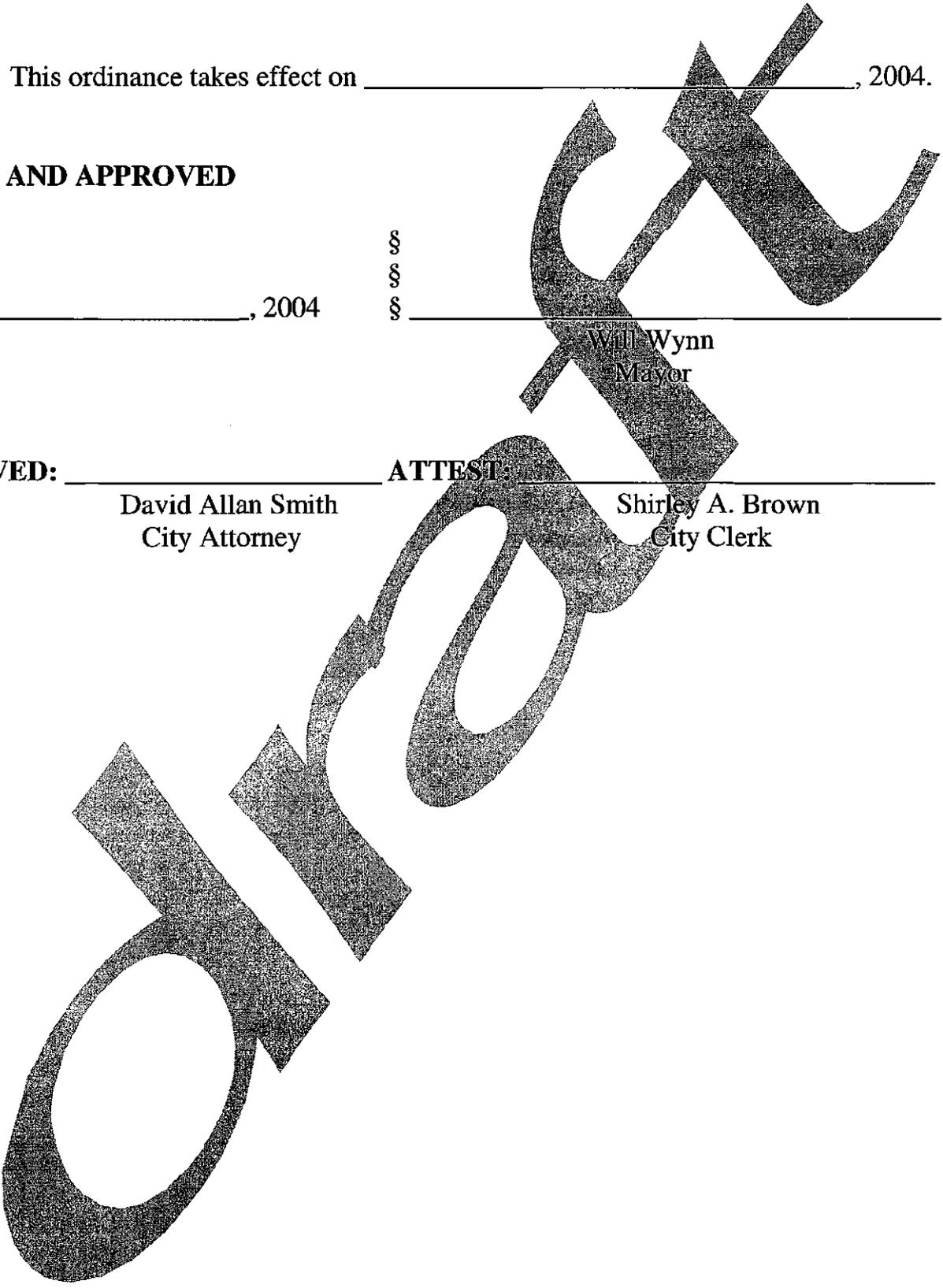
Will Wynn
Mayor

APPROVED: _____

ATTEST: _____

David Allan Smith
City Attorney

Shirley A. Brown
City Clerk



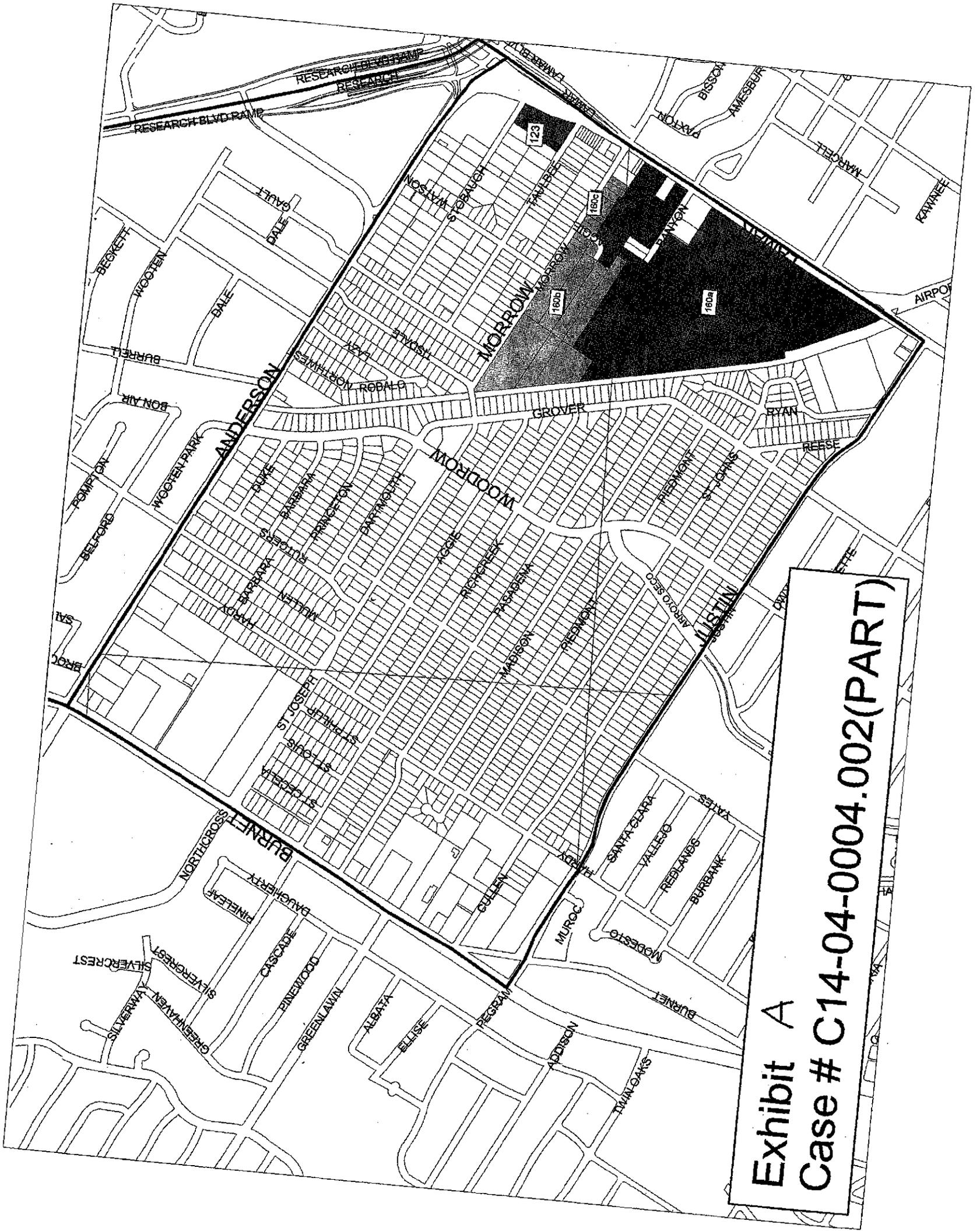
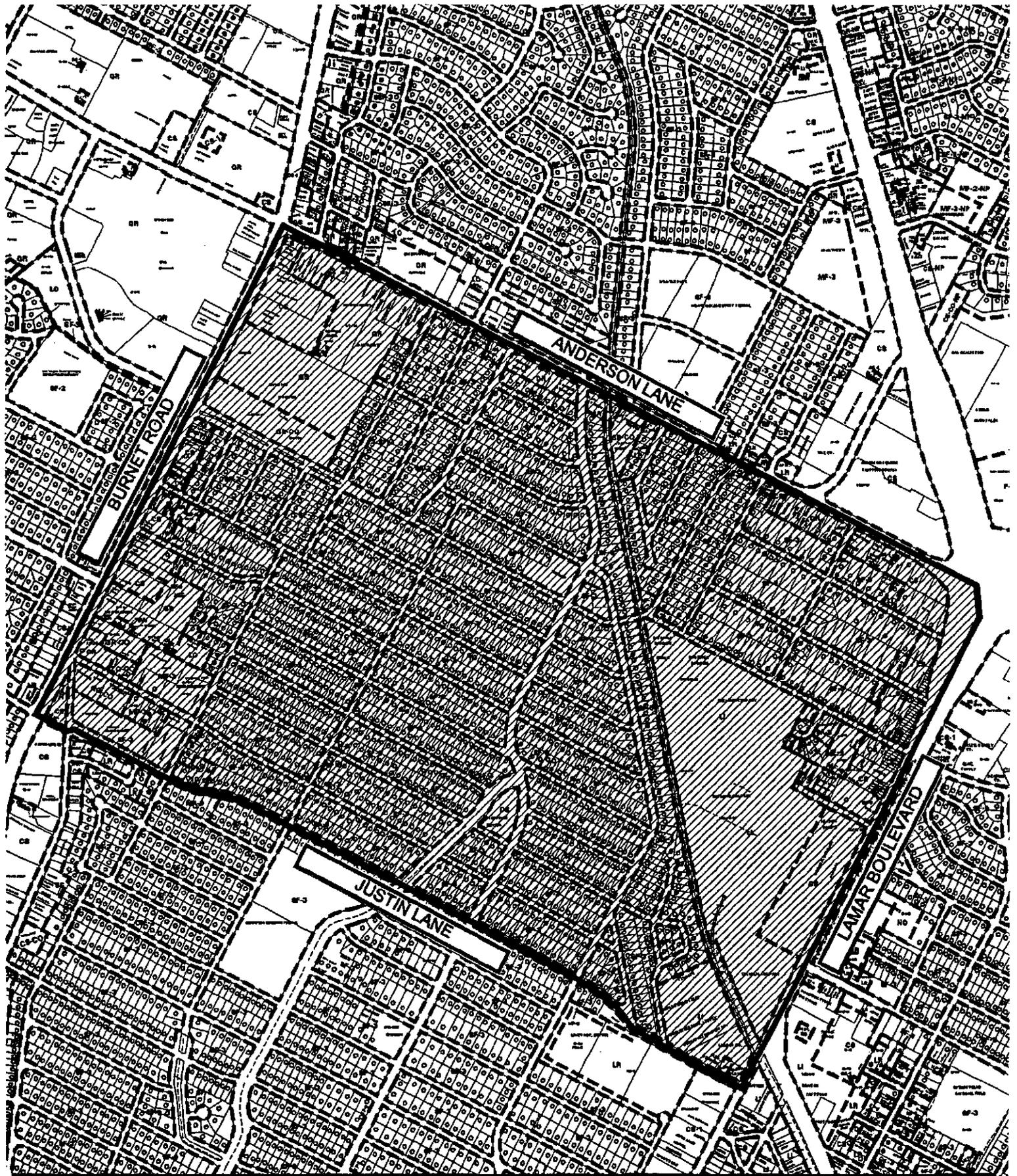


Exhibit A
Case # C14-04-0004.002(PART)



| | | | |
|--|--|---|--|
|  1" = 1000' | SUBJECT TRACT  PENDING CASE  ZONING BOUNDARY  CASE MGR: W. WALSH | ZONING EXHIBIT B CASE #: C14-04-0004.002 ADDRESS: CRESTVIEW COMBINED NEIGHBORHOOD PLAN AREA SUBJECT AREA (acres): 650.510 | CITY GRID REFERENCE NUMBER J28-30 K28-3 1 |
| | DATE: 04-02 INTLS: SM | | |

A=35.08
D=39°01'07"
CB=S79°31'05"E

TISDALE DR.



LEGEND

- = 1/2" IRON ROD FOUND UNLESS OTHERWISE NOTED
- = CONCRETE MONUMENT FOUND
- = 5/8" IRON ROD SET WITH PLASTIC CAP STAMPED "L/JA INC. RPLS 4532"

S.P.R.R. N09°01'05"W 906.39

MORROW ST.

209.99
N60°31'20"W
200.00
S29°28'40"W

17.444 ACRES

TEXACO CHEMICAL COMPANY
VOL. 10701, PG. 256

LEAGUE

WATSON ST.

GEORGE

N60°31'20"W 847.63

W SPEAR

1458.45

S60°00'32"E 1568.73

THE RESUBDIVISION OF
LOTS 21, 22, AND 23
BLOCK "A" NORTH GATE ADDITION
BK. 4, PG. 292

POINT OF BEGINNING

S29°36'03"W 167.30

N60°02'12"W 58.76

5/8"

LOT 3

LOT 1

LOT 2

AGGIE LN.

S28°55'44"W 100.00

S60°31'20"E 130.80

S29°57'48"W 190.17

R=50.00
C=70.71
A=78.54
D=90°00'00"
CB=S74°57'48"W

William H. Ramsey
3-25-93

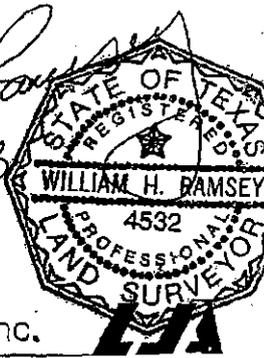
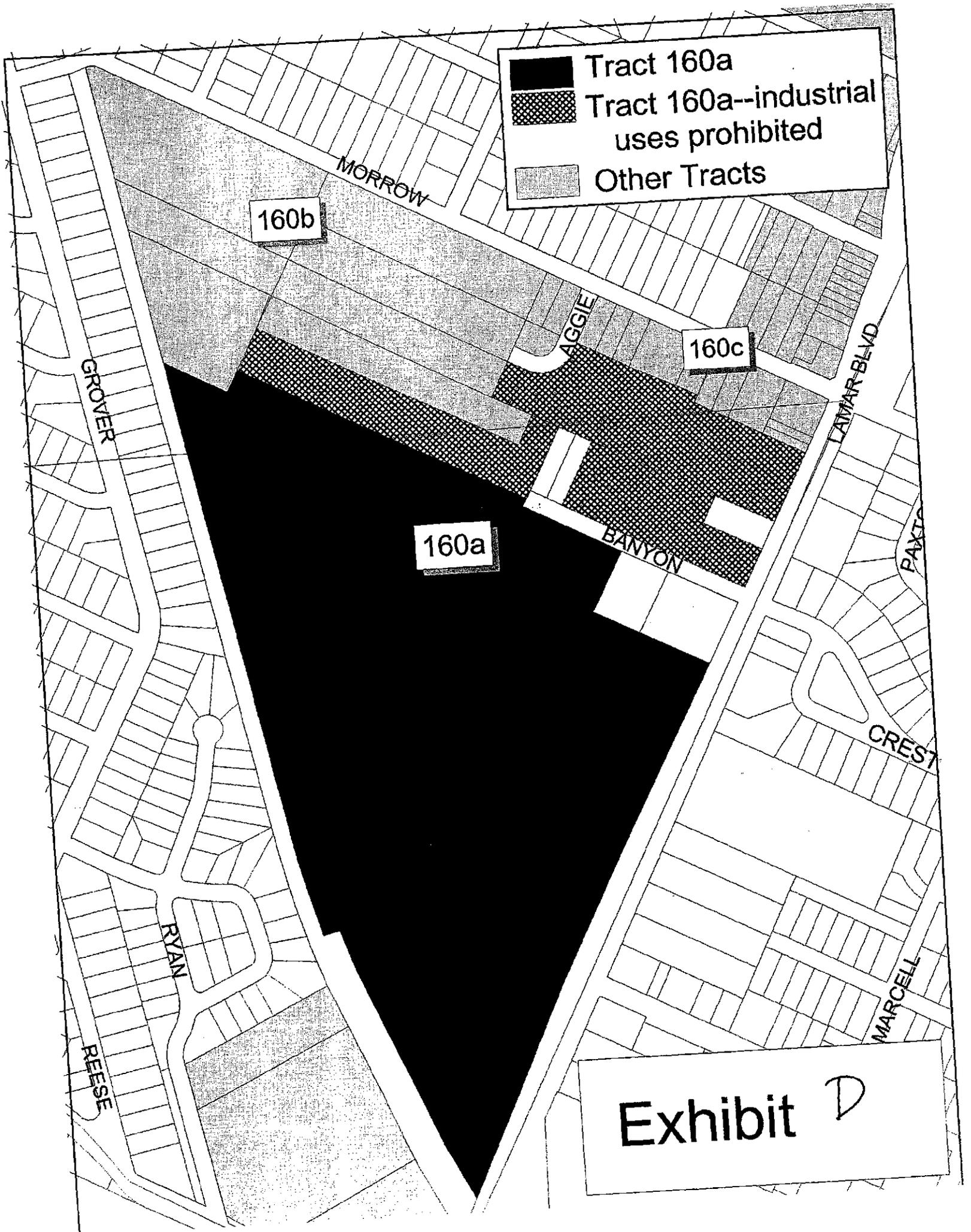


Exhibit C

DATE MARCH 22, 1993

JOB NO. 21-0886-0001-0005

Lichter/Jameson & Associates, Inc.



- Tract 160a
- Tract 160a--industrial uses prohibited
- Other Tracts

160b

160c

160a

Exhibit D

RESTRICTIVE COVENANT

OWNER: Huntsman Petrochemical Corporation, a Delaware corporation

ADDRESS: 7114 North Lamar Blvd., Austin, Texas 78752

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Two tracts of land consisting of a 11.499 acre tract and a 31.887 acre tract, more or less, out of the George W. Spear League in Travis County, the tracts of land being more particularly described by metes and bounds in an instrument recorded in Volume 10701, Page 256, of the Real Property Records of Travis County, incorporated into this covenant, (7100-7400 North Lamar Blvd. and 7414 North Lamar Blvd.); and

The following described properties in the City of Austin, Travis County, Texas, recorded as shown, in the Plat Records of Travis County, Texas:

Lot 2A, Resubdivision of Lots 1 and 2, Northern Commercial Subdivision, Plat Book 32, Page 13 (7500 North Lamar Blvd.)

Lots 1-4, Block A, Northgate Addition, Plat Book 3, Page, 196 (7520-7524 North Lamar Blvd.)

Tracts 1 and 2, and Tract 3, Kivlin-Smith Subdivision, Plat Book 29, Page 43 (7526-7530 North Lamar Blvd and 907 Morrow St)

Lot 3, Northern Commercial Subdivision, Plat Book 9, Page 66 (810 Banyon St)

Lots 1-4, Northern Industrial Subdivision Section 1, Plat Book 8, Page 16 (904-910 Banyon St)

Lots 7-12, Block A, Resubdivision of Lots 21-23 Northgate Addition, Plat Book 4, Page 292 (1007-1019 Aggie Lane)

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. The cumulative storage area on the Property for a hazardous material defined in Chapter 14-3 of the Code may not exceed 12.8 million cubic feet.

2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 31st day of March, 2004.

OWNER:

Huntsman Petrochemical Corporation,
a Delaware corporation

By: Mike Meroney
Mike T. Meroney,
Agent

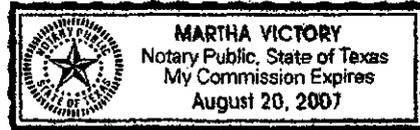
APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 31st day of March, 2004, by Mike T. Meroney of Huntsman Petrochemical Corporation, a Delaware corporation, on behalf of the corporation.

Martha Victory
Notary Public Signature
MARTHA VICTORY
Printed name of notary
My commission expires 8/20/2007



After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767
Attention: Diana Minter, Legal Assistant

DOC. NO.
00047873

90

FILM CODE

SPECIAL WARRANTY DEED

00004365448

STATE OF TEXAS
COUNTY OF TRAVIS

§
§
§

1988 MAY 6

9.00 INDX
1 1 06/01/88
478.73-DCCB
217.94-CHRS

KNOW ALL MEN BY THESE PRESENTS: That Grantor, TEXACO INC., a Delaware corporation, for a good and valuable consideration, grants, sells and conveys to Grantee, TEXACO CHEMICAL COMPANY, a Delaware corporation, having an office at 1111 Rusk Avenue, Houston, Texas 77002, all of the real property located in Travis County, Texas, being fully described in Schedule A, attached hereto and made a part hereof for all purposes.

This conveyance is subject to recorded leases, easements, rights-of-ways, covenants, conditions and restrictions.

To have and to hold the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, its successors and assigns forever; and Grantor binds itself, its successors and assigns, to warrant and forever defend the property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

Executed on May 6th, 1988, but effective as of December 31, 1984.

TEXACO INC.

By: [Signature]
G. F. Rome
Vice President

Attest: [Signature]
W. L. Soula
Assistant Secretary



10701 256

REAL PROPERTY RECORDS

STATE OF TEXAS
COUNTY OF HARRIS

§
§
§

The foregoing document was acknowledged before me on the
May 6th, 1988, by G. F. Rome, Vice President of
Texaco Inc., a Delaware corporation, on behalf of the
corporation.

Linda G. Inghower
Notary Public

My Commission expires:

| | |
|---|----------------------------|
|  | 1990 Notary My Comm. |
|---|----------------------------|



FILED
JUN -1 AM 9 58

COUNTY CLERK
TRAVIS COUNTY, TEXAS

Return (encl.)

TEXACO INC.
HOUSTON, TEXAS 77002

STATE OF TEXAS COUNTY OF TRAVIS
I hereby certify that this instrument was FILED as
shown and in the date stated herein by me, and
was duly RECORDED, on the Volume and Page of the
named RECORDS of Travis County, Texas, on

JUN 1 1988



Carroll H. Johnson
COUNTY CLERK
TRAVIS COUNTY, TEXAS

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

LIST OF DEEDS

| Seller | Legal Description |
|--|--|
| Dorothea Gibson Vybiral Buyer: TCC 1993 7520 N. Lamar Blvd. | Lots 1 and 2, Block A, North Gate Addition, a subdivision of Travis County, Texas according to the map or plat thereof recorded in Book 3, Page 196, Plat Records, Travis County, Texas, save and except that portion conveyed to the Estate of Texas by instrument recorded in Vol 567, Page 431, Deed Records, Travis County, Texas. |
| Charles H. Bridges Buyer: TCC 1990 7522-7526 N. Lamar | <u>Tract I:</u> Being Tract One (1) Kivlin-Smith Subdivision, an addition in the City of Austin, Travis County, Texas, according to the map or plat of record in Vol. 29, Page 43, Plat records of Travis County, Texas. <u>Tract II:</u> Being Lot Three (3) and Lot Four (4), Block "A", Northgate Addition, save and except the East Twelve Feet (E.12') thereof, as conveyed to the State of Texas, and addition in the City of Austin, Travis County, Texas, according to the map of plat of record in Vol. 3, Page 196, Plat Records of Travis County, Texas. |
| Maurice D. McCracken, and Estate of Bennie Lynn Buyer: TCC 1992 810 Banyon Street | .86 acres of land, more or less, out of the George W. Spear League in Travis County, Texas, and being more fully described by metes and bounds in Exhibit "A" attached hereto and made a part hereof: |
| Jean D. Strait Buyer: TCC 1990 821-823, & 825-827 Morrow | Lots One (1) and Two (2), Cleo M. Arnett Subdivision, and addition in the City of Austin, Travis County, Texas, according to the map or plat thereof recorded in Volume 12, Page 21, Plat Records of Travis County, Texas. |
| Guarantee Federal Savings Bank Buyer: TCC 1990 901 Morrow St. | Lot four (4), Kivlin-Smith Addition, a subdivision in Travis County, Texas, according to the map or plat thereof of record in Volume 29, Page 43, Plat Record, Travis County, Texas. |
| Los Brazos Partnership Buyer: TCC 1990 7500 N. Lamar Blvd. | Lot 2-A, The Resubdivision of Lots 1 & 2, Northern Commercial Subdivision, a subdivision in Travis County, Texas, according to the map or plat in Volume 32, Plat Records of Travis County, Texas. |
| Gussie Mae Harrell Buyer: TCC 1990 909 Morrow St. | Lot 6, Resubdivision of Lots No. 21, 22, and 23, in Block "A", North Gate Addition, an addition in Travis County, Texas, according to the map or plat thereof recorded in Book 4, page 292, Plat Records of Travis County, Texas. |

Seller

Randy Harrell
Buyer: TCC 1990
911 Morrow St.

Legal Description

Lot 5, Resubdivision of Lots No. 21, 22, and 23, in Block "A", North Gate Addition, an addition in Travis County, Texas, according to the map or plat thereof recorded in Book 4, page 292, Plat Records of Travis County, Texas.

Henry Hodes and wife,
Denise Hodes
Buyer: TCC 1990
913 Morrow St.

Lot four (4), resubdivision of Lots No. twenty-one (21), twenty-two (22) and twenty-three (23) in Block "A", North Gate Addition, a subdivision in Travis County, Texas, according to the map or plat thereof of record in Volume 4, Page 292, Plat Records, Travis County, Texas.

Henry I. Hodes and wife,
Denise T. Hodes
Buyer: TCC 1990
1007 Aggie Lane

Lot seven (7), Resubdivision of Lots No. twenty-one (21), twenty-two (22) and twenty-three (23) in Block "A", North Gate Addition, a subdivision in Travis County, Texas, according to the map or plat thereof of record in Volume 4, Page 292, Plat Records, Travis County, Texas.

Pearl Carter
Buyer: TCC 1991
1015 Aggie Lane

Lot 11, Resubdivision of Lots No. 21, 22, and 23 in Block "A", North Gate Addition, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 4, Page 292, Plat Records of Travis County, Texas.

Dorothy Ann Barlett
Buyer: TCC 1991
1016 Aggie Lane

Lot Three (3), Resubdivision of Lots 21, 22, and 23, in Block "A", Northgate Addition, a subdivision in Travis County, Texas, according to the map or plat thereof of record in Volume 4, Page 292, Plat Records, Travis County, Texas.

Sam A. Mather, Jr.
Buyer: TCC 1990
1001 Morrow St.

Lot Two (2) Resubdivision of Lots 21, 22, and 23 in Block "A", North Gate Addition, a subdivision in Travis County, Texas, according to the map or plat thereof of record in Volume 4, Page 292, Plat Records, Travis County, Texas.

John E. Harris, Jr.
Buyer: TCC 1989
1017 Aggie Lane

Lot Twelve (12), Resubdivision of Lots 21, 22, and 23, in Block "A", Northgate Addition, a Subdivision in Travis County, Texas, according to a map or plat of record in Book 4, Page 292, of the Plat Records of Travis County, Texas.

Col. Sammy J. Cannon and
wife, Charlene E. Cannon
Buyer: TCC 1989
Morrow St.

Lot 1, Resubdivision of Lots No. 21, 22, & 23, in Block "A", North Gate Addition, an addition in Travis County, Texas, 1003 according to the map or plot thereof recorded in Book 4, page 292, Plat Records of Travis County, Texas.

| Seller | Legal Description |
|--|---|
| <p>American Federal Savings & Loan Association of Iowa Buyer: TCC 1989 907 Morrow 1101 and 1009 Aggie Lane</p> | <p><u>Tract 1:</u> Tract 2, Kivlin-Smith Subdivision, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Book 29, Page 43, Plat Records of Travis County, Texas; and <u>Tract 2:</u> Lot 9, resubdivision of Lots No. 21, 22 & 23 in Block "A", North Gate Addition, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Book 4, Page 292, Plat Records of Travis County, Texas; and <u>Tract 3:</u> Lot 8, resubdivision of Lots No. 21, 22, & 23 in Block "A", North Gate Addition, a subdivision in Travis county, Texas, according to the map or plat thereof recorded in Book 4, Page 292, Plat Records of Travis County, Texas; and <u>Tract 4:</u> Tract 3, Kivlin-Smith subdivision, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Book 29, Page 43, Plat Records of Travis County, Texas.</p> |
| <p>Jesse Reveile and wife, Rena Faye Buyer: TCC 1989 1013 Aggie Lane</p> | <p>Lot 10 of Resubdivision of Lots 21, 22, and 23 in Block "A", Northgate Addition, a Subdivision in Travis County, Texas, according to a map or plat of record in Volume 4, Page 292, of the Plat Records of Travis County, Texas, save and except the north 5' conveyed to the City of Austin by instrument of record in Volume 4720, Page 771, of the Deed Records of Travis County, Texas.</p> |
| <p>United States Television Systems, Inc. Buyer: TCC 1989 904, 906, & 908 Banyon</p> | <p>Lots 1, 2, & 3 of Northern Industrial Subdivision Section 1, a subdivision in Travis County, Texas, according to the map or plat, of record in Volume 8, Page 16, of the Plat Records of Travis Country, Texas.</p> |
| <p>Donald Hugh Grooms Buyer: TCC 1989 910 Banyon</p> | <p>Lot 4 of Northern Industrial Subdivision Section 1, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 8, Page 16, of the Plat Records of Travis County, Texas.</p> |
| <p>Texaco INC. Buyer: TCC 1984 7114 N. Lamar</p> | <p>See attached deed, Volume 10701, Page 256.</p> |

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0004.001 – Crestview NPCD **P.C. DATE:** February 10, 2004
C14-04-0004.002 – Wooten NPCD

AREA: Total of 1,277.27 acres;
Crestview NPCD, approximately 650.5 acres
Wooten NPCD, approximately 626.77 acres

APPLICANT: City of Austin, Neighborhood Planning and Zoning Department (NPZD),
Scott Whiteman

AGENT: City of Austin, Neighborhood Planning and Zoning Department (NPZD), Wendy Walsh

PROPERTY OWNERS: Please refer to Attachment 2.

NEIGHBORHOOD ORGANIZATIONS:

- 92 – Wooten Neighborhood Association
- 93 – Crestview Neighborhood Association
- 198 – Sunset View Neighborhood Association
- 283 – North Austin Neighborhood Alliance
- 511 – Austin Neighborhoods Council

AREA OF PROPOSED ZONING CHANGES: The Crestview / Wooten Neighborhood Plan area is bounded on the north by Research Boulevard, on the east by North Lamar Boulevard, on the south by Justin Lane, and on the west by Burnet Road. Please refer to Exhibits A, B, and C.

AREA STUDY: Crestview / Wooten Combined Neighborhood Planning Area

TIA: Is not required

WATERSHEDS: Shoal Creek; Waller Creek;
Little Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

SCHOOLS:

Wooten Elementary School; Brentwood Elementary School
Burnet Middle School; Lamar Middle School
Lanier High School; McCallum High School

| ZONING FROM: | TO: |
|---------------------|------------|
| I-SF-3 | SF-3-NP |
| SF-3 | MF-2-NP |
| SF-3 | MF-3-NP |
| SF-3 | LO-NP |
| SF-3 | LO-MU-NP |
| SF-3 | GO-CO-NP |

| | |
|--------------|---------------|
| SF-3 | P-NP |
| MF-3 | SF-3-NP |
| MF-3; SF-3 | MF-3-NP |
| LO | LO-MU-NP |
| LO | LO-MU-CO-NP |
| LO | GR-CO-NP |
| LO; SF-3 | GR-MU-CO-NP |
| LO-CO | GR-MU-CO-NP |
| GO-CO | GO-MU-CO-NP |
| LR | LR-MU-CO-NP |
| LR | GR-CO-NP |
| LR | GR-MU-CO-NP |
| LR; MF-2 | MF-2-NP |
| GR | MF-3-NP |
| GR | LR-MU-CO-NP |
| GR | GR-NP |
| GR | GR-MU-NP |
| GR | GR-CO-NP |
| GR | GR-MU-CO-NP |
| GR; MF-4 | GR-NP |
| GR; LR | GR-CO-NP |
| GR; LO | GR-MU-CO-NP |
| GR; GR-MU | GR-MU-CO-NP |
| GR; GR-CO | GR-CO-NP |
| GR-CO; LR | GR-CO-NP |
| GR-CO | GR-CO-NP |
| CS | MF-3-NP |
| CS | MF-4-NP |
| CS | GR-MU-CO-NP |
| CS; MF-4 | SF-6-NP |
| CS | CS-NP |
| CS | CS-MU-NP |
| CS; GR; MF-4 | GR-NP |
| CS | CS-CO-NP |
| CS; GR | CS-CO-NP |
| CS | CS-MU-NP |
| CS | CS-MU-CO-NP |
| CS-CO | CS-MU-CO-NP |
| CS | LI-PDA-NP |
| CS; CS-1 | CS-CO-NP |
| CS; CS-1; LO | CS-CO-NP |
| CS-1 | CS-1-NP |
| CS-1 | CS-1-MU-NP |
| CS-1 | CS-1-CO-NP |
| CS-1; SF-3 | GR-MU-NP |
| CS-1-CO | CS-1-CO-NP |
| CS-1-CO | CS-1-MU-CO-NP |
| LI | CS-NP |
| LI; SF-3 | SF-2-NP |

| | |
|-----------------------------------|-------------|
| LI; SF-3 | CS-NP |
| LI; CS | CS-NP |
| LI | CS-MU-CO-NP |
| LI | P-NP |
| LI | LI-PDA-NP |
| LI; CS | LI-PDA-NP |
| LI; CS; CS-1; MF-4; MF-3; SF-3 | LI-PDA-NP |

SUMMARY STAFF RECOMMENDATION:

The proposed zoning change creates a Neighborhood Plan Combining District (NPCD) covering the entire area.

For each of the 120 tracts, the attached chart lists the existing zoning, proposed zoning, owner name, and street address. A description of the proposed zoning base district follows the list.

LIST OF ATTACHMENTS:

Attachment 1: Description of proposed Base Districts, and Special Uses and Design Tools – Small Lot Amnesty; Mixed Use Building; Neighborhood Urban Center; Residential Infill; Cottage; Urban Home; Secondary Apartment; Parking Placement and Impervious Cover Restrictions; Garage Placement; and Front Porch Setback

Attachment 2: List of Property Owners

Attachment 3: Tract Map; List of Property Addresses and Base District Changes

Attachment 4: List of proposed Conditional Overlays

Attachment 5: Huntsman Planned Development Area – Summary of Recommendations

PLANNING COMMISSION RECOMMENDATION:

February 10, 2004: *APPROVE STAFF RECOMMENDATION, WITH REQUEST THAT THERE BE FURTHER DISCUSSION BETWEEN THE NEIGHBORHOOD AND PROPERTY OWNERS FOR PROPERTIES WITH DISPUTES. (Motion did not include consideration of SF-2 down-zoning.)*
VOTE: 6-0 (DS-1st, NS-2nd; LO-ABSENT)

ISSUES:

The City Council adopted the entire Crestview / Wooten Neighborhood Plan, including Tracts 123 and 160, on April 1, 2004. With the exception of Tracts 123 and 160, zoning changes to create a Neighborhood Plan Combining District (NPCD) covering the entire area were also approved on Second and Third Readings on April 1, 2004.

For Tract 123, and Tract 160a, Tract 160b and Tract 160c, to be considered for Third Reading at the April 15, 2004 City Council meeting:

For Tract 123, the association for the adjacent condominiums is scheduled to meet and vote on the applicant's proposed private restrictive covenant prior to the City Council meeting.

For Tract 160a, Tract 160b and Tract 160c, representatives of Huntsman Petrochemical Corporation and the Parks and Recreation Department (PARD) will meet to discuss the dedication of

parkland to the City and whether the open space requirement outlined in the Planned Development Area (PDA) can fulfill the parkland dedication requirement.

The Transportation, Planning and Sustainability Department (TPSD) has provided a comparison of traffic counts taken on Morrow Street in 1998 and 2004, as outlined in the table below:

| Street | East/Northbound Trips | West/Southbound Trips | Total Daily Trips |
|--|-----------------------|-----------------------|-------------------|
| Morrow—1200 Block (Adjacent to Huntsman Tract) (2004 count) | 1,633 | 737 | 2,370 |
| Morrow—1700 Block (2004 count) | 1,460 | 1,215 | 2,675 |
| Woodrow—7300 Block (2004 count) | 2,755 | 2,654 | 5,409 |
| Morrow—1200 Block (1998 count) | 2,328 | 1,066 | 3,394 |

For Second and Third Reading of All Other Tracts in the Crestview NPCD and the Wooten NPCD (i.e. other than Tract 123, and Tract 160a, Tract 160b and Tract 160c), approved on Second and Third Reading at the April 1, 2004 City Council meeting:

The Crestview Neighborhood Association has requested more restrictive Conditional Overlays pertaining to prohibited uses and conditional uses for several locations, as shown in Attachment 4.

The Crestview Neighborhood Association expressed concerns with the potential number of residential units that could be developed under the proposed mixed-use options. To address these concerns, staff removed the Mixed Use Building special use along two corridors: Burnet Road, south of Anderson Lane, and both sides of Anderson Lane.

The Crestview Neighborhood Association and the Huntsman Petrochemical Corporation (the landowner of Tract 160, a triangular, 74 acre tract of land generally bounded by Morrow Street, Lamar Boulevard and the Southern Pacific railroad tracks) are in disagreement regarding the number and type of residential units, and the amount of open space that should be required. Please refer to Attachment 5.

Valid petitions of 100 % have been filed on the following tracts or portions thereof:

- 1) by a property owner owning a portion of Tract 149 (808 and 906 Justin Lane) in opposition to the rezoning request from LI to CS-NP.
- 2) by the property owner of Tract 146 (the Crestview Shopping Center located at 7100 – 7200 Woodrow Avenue) in opposition to the rezoning request from CS to CS-CO-NP. The proposed Conditional Overlay establishes a maximum F.A.R. of 0.5 to 1.
- 3) by a property owner owning a portion of Tract 1 (My Thanh Oriental Market located at 8990 Research Boulevard) in opposition to the rezoning request from LI and SF-3 to CS-NP.

CITY COUNCIL DATE: March 4, 2004

ACTION: Approved the Neighborhood Plan Combining District (NPCD) rezonings as recommended by the Planning Commission, with the exception of Tract 146* and 808 and 906 Justin Lane**, on 1st Reading (6-0, McCracken off the dais).

*** For Tract 146 (Crestview Shopping Center), approved Planning Commission recommendation for a zoning change from CS to CS-CO-NP, on 1st Reading (6-0, McCracken off the dais).**

**** For a portion of Tract 149 (808 and 906 Justin Lane), approved Planning Commission recommendation for a zoning change from LI to CS-NP, on 1st Reading (6-0, McCracken off the dais).**

April 1, 2004

Approved the NPCD rezonings on 2nd and 3rd Readings, as granted on 1st Reading (6-0, Goodman off the dais), EXCEPT FOR:

Approved 2nd Reading only (6-0, Goodman off the dais) for Tracts 160 and 123 as described below:

Tract 160 (Huntsman Petrochemical Corporation): Granted LI-PDA district zoning (6-0, Goodman off the dais);

Tract 123 (Continental Auto at 7700 - 7720 N Lamar Blvd; 822 Taulbee Lane): Granted CS-MU-CO-NP district zoning

The following tracts were taken up separately due to valid petitions:

- Tract 12 (Charles Maund Volkswagen): Granted LI-CO-NP district zoning on 2nd / 3rd Readings (6-0, Goodman off the dais)

- Tract 3 (PART) (My Thanh Oriental Market at 8900 Research Boulevard): Granted LI-CO-NP district zoning on 2nd / 3rd Readings (5-1, McCracken - No, Goodman off the dais)

- Tract 146 (Crestview Shopping Center): Granted CS-CO-NP district zoning on 2nd / 3rd Readings (6-0, Goodman off the dais)

- Tract 149 (PART) (808 & 906 Justin Lane): Granted CS-NP district zoning on 2nd / 3rd Reading (6-0, Goodman off the dais)

ORDINANCE READINGS: 1st March 4, 2004 2nd April 1, 2004 3rd April 1, 2004

ORDINANCE NUMBERS: 040401-32A – Wooten NPCD;
040401-32B – Crestview NPCD

THIRD READING FOR TRACT 123, AND TRACTS 160a, 160b and 160c:

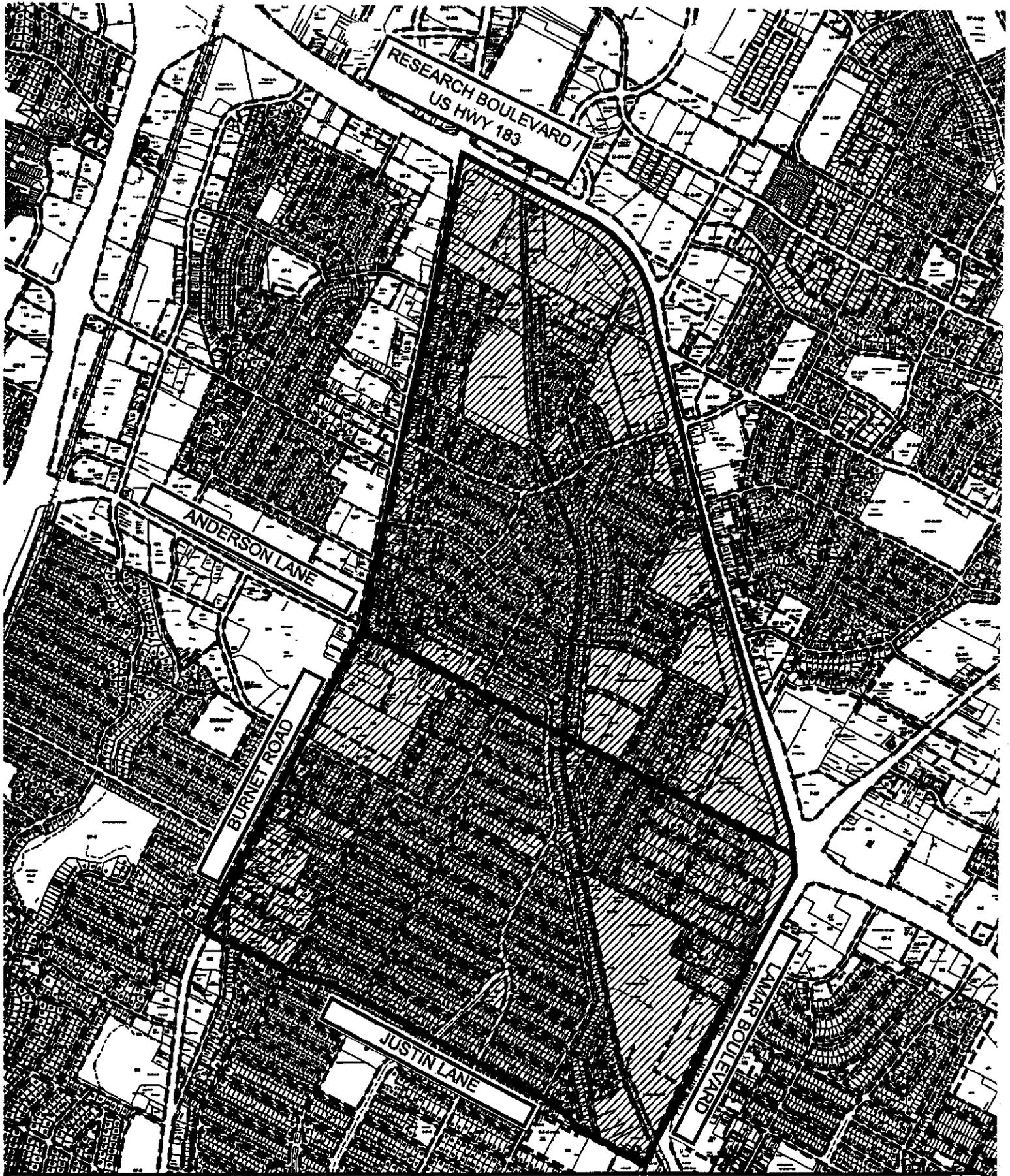
CITY COUNCIL DATE: April 15, 2004 **ACTION:**

ORDINANCE READINGS: 1st March 4, 2004 2nd April 1, 2004 3rd

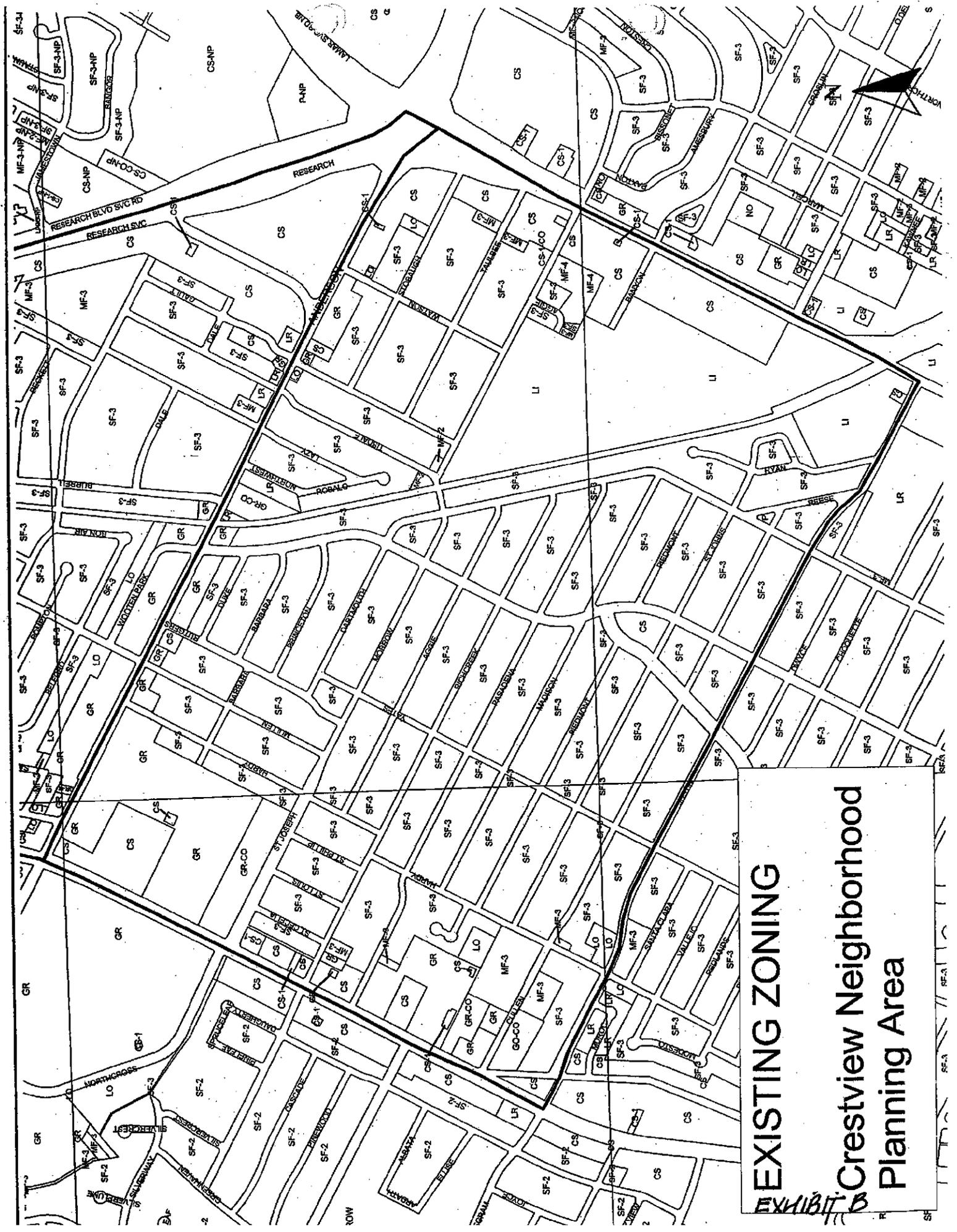
ORDINANCE NUMBER:

CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719



| | | | |
|---|---|--------------------------------|---|
|  1" = 1600' | SUBJECT TRACT  | ZONING <i>Exhibit A</i> | CITY GRID REFERENCE NUMBER J28-30 K28-3 1 |
| | PENDING CASE  | | |
| ZONING BOUNDARY  | CASE #: C14-04-0004 | DATE: 04-01 | |
| CASE MGR: W. WALSH | ADDRESS: CRESTVIEW/WOOTEN COMBINED NEIGHBORHOOD PLAN AREA SUBJECT AREA (acres): 1277.280 | INTLS: SM | |



EXISTING ZONING
Crestview Neighborhood
Planning Area

EXHIBIT B

STAFF RECOMMENDATION

The proposed zoning change creates a Neighborhood Plan Combining District (NPCD) covering the entire area.

For each of the 120 tracts, the attached chart lists the existing zoning, proposed zoning, owner name, and street address. A description of the zoning base district follows the list.

BACKGROUND

At the direction of the Austin City Council, Neighborhood Planning staff began working to develop a combined neighborhood plan in Crestview / Wooten in November 2002. Following a kickoff meeting, staff and residents, property owners, business owners, and representatives of area institutions have been attending meetings and developing the plan for 13 months.

The plan's goals, objectives, and action items were developed at numerous Crestview / Wooten Combined Neighborhood Planning meetings. The Neighborhood Plan will be considered concurrently with the subject rezoning case.

The proposed zoning change creates a Neighborhood Plan Combining District (NP) covering the entire area. The purpose of the NP is to allow infill development by implementing a neighborhood plan that has been adopted by Council as an amendment to the City's Comprehensive Plan. The NP may modify the base district of an individual parcel within the neighborhood to allow for the following special uses and design tools – Small Lot Amnesty; Mixed Use Building; Neighborhood Urban Center; Residential Infill; Cottage; Urban Home; Secondary Apartment; Parking Placement and Impervious Cover Restrictions; Garage Placement; and Front Porch Setback.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

The staff's basis for recommendation is derived from the goals and objectives for land use as described in the Crestview / Wooten Combined Neighborhood Plan:

Goals – Land Use

- Any new development or redevelopment should respect and complement the single-family character of the neighborhood.
- Preserve and enhance existing neighborhood-friendly businesses and encourage new neighborhood-friendly ones in appropriate locations.
- Enhance the safety and attractiveness of the neighborhoods.
- Maintain and enhance the single-family residential areas as well as existing community facilities and institutions in the Crestview and Wooten neighborhoods.
- Promote enhancement of major corridors by encouraging better quality development and redevelopment and discouraging strip development.
- Promote enhancement of major corridors by encouraging better quality and a mix of neighborhood serving development and redevelopment.

- Target and encourage redevelopment of dilapidated or vacant multifamily structures into quality multifamily.

Objectives – Land Use

- Preserve the character and affordability of the Crestview and Wooten Neighborhoods.
- Encourage the development of neighborhood-serving commercial and mixed use on Anderson Lane and Burnet Road.
- Allow more intense commercial areas to locate on Research Boulevard, while minimizing the impacts to any residential uses.
- Preserve the Crestview Shopping Center as a genuine neighborhood retail node.
- Provide opportunities for the ultimate redevelopment of the Huntsman Petrochemical site to “complete” the neighborhood and create quality open space.
- Provide opportunities for continued enhancement of the commercial node at Burnet Road and U.S. Highway 183 / Research and the adjacent commercial properties to the south that transition into the Wooten neighborhood.
- Encourage the enhancement of the buildings and streetscape along Wooten Park Drive.
- Encourage the redevelopment and enhancement of the “Fireside Loop” area in northeast Wooten (Hearthstone, Fireside, Hearthiside and a portion of Putnam).
- Encourage the redevelopment of Lamar Boulevard with more residential and neighborhood serving businesses.

EXISTING CONDITIONS

Zoning and Land Use

| <u>Existing Land Use:</u> | | <u>Existing Zoning:</u> | |
|---------------------------|------|-------------------------|------|
| Single Family | 57 % | Single Family | 62 % |
| Multi Family | 5 % | Multi-Family | 5 % |
| Commercial | 17 % | Commercial | 23 % |
| Office | 2 % | Office | 1 % |
| Industrial | 9 % | Industrial | 8 % |
| Civic | 9 % | Public | 0 % |
| Open Space | 1 % | Mixed Use | 0 % |
| Transportation | 0 % | | |
| Undeveloped | 1 % | | |

Impervious Cover

The maximum impervious cover limits for the proposed zoning districts are as follows:

| | |
|---|---|
| LI, Limited Industrial Services | 80 % |
| CS, Commercial Services | 95 % |
| CS-1, Commercial – Liquor Sales | 95 % |
| GR, Community Commercial | 90 % |
| LR, Neighborhood Commercial | 80 % |
| GO, General Office | 80 % |
| LO, Limited Office | 70 % |
| NO, Neighborhood Office | 60 % |
| MF-3, Multi-family Residence (Medium Density) | 65 % |
| MF-2, Multi-family Residence (Low Density) | 60 % |
| SF-6, Townhouse & Condominium Residence | 55 % |
| SF-3, Family Residence | 45 % |
| SF-2, Single Family Residence | 45 % |
| P, Public | varies (refer to Land Development Code) |

The maximum amount of impervious cover is determined as the more restrictive figure of the zoning district and watershed class.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal, Waller and Little Walnut Creek Watersheds of the Colorado River Basin, which are classified as Urban Watersheds by Chapter 25-8 of the City's Land Development Code. Impervious cover is not limited in this watershed class. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 square feet cumulative is exceeded, and detention for the two-year storm.

According to flood plain maps, there is flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Transportation

Additional right-of-way (ROW) necessary for future roadway improvements within the proposed zoning may be required during the subdivision review process or the site plan review process.

Since the rezoning of this area is being initiated by the City of Austin through the neighborhood planning process and does not reflect a specific development proposal, no trip generation calculations are provided on a tract by tract basis for any proposed land uses as would typically be provided.

A Traffic Impact Analysis (TIA) will be required during the site plan review stage for any proposed land use that would generate over 2,000 vehicle trips per day. Additional ROW, participation in

roadway improvements, and/or limitation on development intensity may also be recommended based on review of the TIA.

ABUTTING STREETS:

| NAME | ROW | PAVEMENT | CLASSIFICATION | SIDEWALKS | CAPITAL METRO ROUTE | BICYCLE PLAN ROUTE |
|------------------|--------|----------|----------------|-----------|---------------------|--------------------|
| U.S. Highway 183 | Varies | Varies | Major Arterial | Varies | #40 | N/A |
| Anderson Lane | 90' | Varies | Major Arterial | Yes | #5 & #8 | N/A |
| Burnet Road | 130' | 50' | Major Arterial | Yes | #44 & WC | #16 |
| Justin Lane | Varies | Varies | Minor Arterial | Yes | N/A | #22 |
| Lamar Boulevard | 100' | Varies | Major Arterial | Yes | #1 & #8 | N/A |
| Ohlen Road | 80' | Varies | Collector | Yes | #25 | #16 |
| Woodrow Avenue | 80' | Varies | Collector | Yes | #5 | #41 |

TPSD Right-of-Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed rezoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Water and Wastewater

The area is served with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility adjustment, or relocation are required for a lot, or development, or redevelopment, or tract, or land use, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City's utility design criteria.

Compatibility Standards

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district/use will be subject to compatibility development regulations.

MEETING SUMMARY
DRAFT- PENDING PC APPROVAL

CITY PLANNING COMMISSION

February 10, 2004
One Texas Center
505 Barton Springs Road
Conference Room 325

CALL TO ORDER – 6:00 P.M. COMMENCE 6:11PM; ADJOURN 9:40PM

____ Maggie Armstrong, Secretary

____ Cynthia Medlin, Asst. Secretary

____ Matthew Moore

ABSENT Lydia Ortiz, Chair

____ Chris Riley, Vice Chair

____ Niyanta Spelman

____ Dave Sullivan, Parliamentarian

A. REGULAR AGENDA

EXECUTIVE SESSION (No public discussion)

The Planning Commission will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The Planning Commission may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney – Section 551.071

CITIZEN COMMUNICATION:

1. The first four (4) speakers signed up to speak will each be allowed a three-minute allotment to address their concerns regarding items *not* posted on the agenda.

Denise Zuniga expressed her concern about the plan in the Crestview/Wooten Neighborhood Plan to remove the Northwest Optimist ballpark. On the other side of the property is a hazardous waste site that is too expensive to clean. Help protect the ballpark and the youth.

APPROVAL OF MINUTES

2. Approval of minutes from January 27, 2004.

MOTION: APPROVE BY CONSENT.

VOTE: 6-0 (NS-1ST, MA-2ND; LO-ABSENT)

DISCUSSION AND ACTION

5. Neighborhood Plan: Crestview/Wooten Combined Neighborhood Plan

Location: Research Boulevard on the north, Lamar Boulevard on the east, Justin Lane on the south, Burnet Road on the west, Shoal Creek; Waller Creek; Little Walnut Creek Watershed, Crestview & Wooten NPA

Owner/Applicant: City of Austin-NPZD

Agent: City of Austin-NPZD

Request: Conduct a public hearing to consider adopting the Crestview/Wooten Combined Neighborhood Plan, encompassing the Crestview and Wooten planning areas.

Staff Rec.: **Recommended**

Staff: Scott Whiteman, 974-2865, scott.whiteman@ci.austin.tx.us
 Kathleen Welder, 975-2856, kathleen.welder@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

**MOTION: APPROVAL OF NEIGHBORHOOD PLAN, AS RECOMMENDED BY STAFF.
 VOTE: 6-0 (DS-1st, NS-2nd; LO-ABSENT)**

Commissioner Riley clarified that the "Recommendation for Modifications to Draft Plan" is not part of the motion.

Commissioner Spelman respects the ideas on that sheet, and would like to see staff recommending it before it goes to Council.

SEE ITEM #6 FOR PUBLIC HEARING AND DISCUSSION

- 6. zoning: C14-04-0004 - Crestview/Wooten Combined Neighborhood Plan
Rezoning**
- Location: Research Boulevard on the north, Lamar Boulevard on the east, Justin Lurie on the south, Burnet Road on the west, Shoal Creek; Waller Creek; Little Walnut Creek Watershed, Crestview & Wooten NPA
- Owner/Applicant: City of Austin-NPZD

Request:

The proposed zoning change will create two Neighborhood Plan Combining Districts (NPCD) covering the entire area. Under the proposed Wooten NPCD, "Small Lot Amnesty," "Front Porch Setback" and "Impervious Cover and Parking Placement Restrictions" are proposed for the entire area and the Cottage, Secondary Apartment, and Urban Home special uses are proposed for the Fireside Loop subdistrict which includes all lots adjoining Fireside Drive, Hearthiside Drive, Hearthstone Drive, and Putnam Drive north of Joy Lane. The Neighborhood Mixed Use Building special use is proposed for Tracts 4-6, 8, 9, 13-17, 20-22, 24-40, and 42-51, and the Neighborhood Urban Center special use is proposed for Tracts 1-3, 6, and 16. Under the proposed Crestview NPCD, "Small Lot Amnesty," "Front Porch Setback," "Garage Placement Restrictions" and "Impervious Cover and Parking Placement Restrictions" are proposed for the entire area. The Residential Infill special use is proposed for Tract 160a, the Neighborhood Mixed Use Building special use is proposed for Tracts 101a, 105-111, 113-117, 119-126, 130b, 137-139, 145, 147, 149-151 and 160a, and the Neighborhood Urban Center special use is proposed for Tracts 101, 102, 152-154 and 160a-160d. The proposed zoning change will also change the base district on 157 tracts of land FROM: SF-3 (Family Residence District); I-SF-3 (Interim-Family Residence District); MF-2 (Multi-Family Residence Low Density District); MF-3 (Multi-Family Residence Medium Density District); MF-4 (Multi-Family Residence - Moderate-High Density District); LO (Limited Office District); LO-CO (Limited Office - Conditional Overlay Combining District); LR (Neighborhood Commercial District); GR (Community Commercial District); GR-CO (Community Commercial-Conditional Overlay Combining District); GR-MU (Community Commercial-Mixed Use Combining District); CS (General Commercial Services District); CS-CO (General Commercial Services-Conditional Overlay Combining District); CS-1 (Commercial Liquor Sales District); CS-1-CO (Commercial Liquor Sales - Conditional Overlay Combining District); LI (Limited Industrial Services District) TO: SF-3-NP (Family Residence-Neighborhood Plan Combining District); MF-2-NP (Multi-Family Residence Low Density-Neighborhood Plan Combining District); MF-3-NP (Multi-Family Residence Medium Density-Neighborhood Plan Combining District); MF-4-NP (Multi-Family Residence Moderate-High Density -Neighborhood Plan Combining District); LO-NP (Limited Office-Neighborhood Plan Combining District); LO-MU-NP (Limited Office-Mixed Use-Neighborhood Plan Combining District); LO-CO-NP (Limited Office-Conditional Overlay-Neighborhood Plan Combining District); LO-MU-CO-NP (Limited Office-Mixed Use-Conditional Overlay-Neighborhood Plan Combining District); GO-CO-NP (General Office-Conditional Overlay-Neighborhood Plan Combining District); LR-MU-CO-NP (Neighborhood Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan Combining District); GR-NP (Community Commercial-Neighborhood Plan Combining District); GR-CO-NP (Community Commercial-Conditional Overlay-Neighborhood Plan Combining District); GR-MU-NP (Community Commercial-Mixed Use-Neighborhood Plan Combining District); GR-MU-CO-NP (Community Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan Combining District); CS-NP (General Commercial Services-Neighborhood Plan Combining District); CS-CO-NP (General Commercial Services-Conditional Overlay-Neighborhood Plan Combining District); CS-MU-NP (General Commercial Services-Mixed Use-Neighborhood Plan Combining District); CS-MU-CO-NP (General Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Plan Combining District); CS-1-NP (Commercial Liquor Sales-Neighborhood Plan Combining District); CS-1-CO-NP (Commercial Liquor Sales-Conditional Overlay-Neighborhood Plan Combining District); CS-1-MU-NP (Commercial Liquor Sales-Mixed Use-Neighborhood Plan Combining District); CS-1-MU-CO-NP (Commercial Liquor Sales-Mixed Use-Conditional Overlay-Neighborhood Plan Combining District); LI-PDA-NP (Limited Industrial Services-Planned Development Area-Neighborhood Plan Combining District); P-NP (Public-Neighborhood Plan Combining District).

Staff Rec.: **Recommended**
Staff: Scott Whiteman, 974-2865, scott.whiteman@ci.austin.tx.us
Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
Neighborhood Planning and Zoning Department

STAFF PRESENTATION

Kathleen Welder presented the neighborhood plan and Scott Whiteman presented the proposed rezonings.

PUBLIC HEARING

CRESTVIEW

Chip Harris, the president of the Crestview Neighborhood Association, would like to thank staff for extending planning time. The extended time was productive. Mr. Harris said the neighborhood association sent a survey, and 25% responded. The general message received from the respondents was that the neighborhood residents did not want increased residential density and that at least 30 acres of parkland should be dedicated on the Huntsman tract. The neighborhood is still reviewing the Huntsman tract proposal, but do have some concerns. Sections 9, 10 and 12 have deed restrictions that prohibit duplexes, so would like the Planning Commission to direct staff to rezone properties to be consistent with the deed restrictions. Mr. Harris explained the neighborhood association's opinion on several rezoning cases (referred to letter on dais).

Commissioner Spelman asked Mr. Harris about the average lot sizes in the sections requesting SF-2 zoning. Mr. Harris said they are around 7,000 square feet, and have deed restrictions that specifically state only single-family is permitted.

Dana Lockler, resident of Crestview since 1978, criticized the wording of the questions on the survey prepared by city staff. He said he would have liked a fixed schedule and agendas at the beginning of the process. Land use and quality of life are inseparable.

Nancy Harris, and two other residents, **Mike Keenaw**, **Nanci Felice**, read from some of the survey responses: "Crestview is a unique, eclectic neighborhood. Preserve the feeling. We are a great, lovely neighborhood. Don't mess with our neighborhood, preserve. Don't want crowded wall-to-wall city. The rezoning is to increase valuations to tax small businesses out of the area. Do not want planners to ruin neighborhood by stuffing it with more people. Used car dealers are out of control in our neighborhood. More apartments cause more noise and more crime. There are plenty of shops in the area. More apartments would cause the neighborhood to deteriorate. Do not want extra housing on existing lots. Would like to keep it quiet, keep it safe for children. I am opposed to more apartment buildings." In conclusion, the Crestview residents are proud of their community. Many have lived in the neighborhood for more than 40 years.

Pam Mathison, who has lived in the neighborhood for 19 years, explained that she would like to acknowledge city staff for listening and their hard work. She discussed the Huntsman tract, and stated that the neighborhood requests that the most intense development occur within 300 feet of Lamar Blvd. That in order to be consistent with other neighborhood plans, existing uses on the

Huntsman tract that are not industrial, be down-zoned. Also requested that no access be allowed to Morrow Street, except for emergency vehicles and single-family residences. Adopt the staff's revised land use plan, adopt the additional recommendations for the Huntsman tract and the revised conditional overlays. Adoption of these recommendations will help the neighborhood achieve its goals.

WOOTEN

Mike Boyle, president of the Wooten neighborhood association. Wooten is different than Crestview culturally. Wooten encourages individuals to express themselves, above the collective group. One property owner expressed concerns about parking reductions and the impact on their neighborhood.

Commissioner Medlin asked Mr. Boyle to clarify the mixed-use building concern. Mr. Boyle said that the concern was brought forward by a commercial building owner. She was concerned that the reduced parking permitted under the Neighborhood Mixed-Use Building might result in spillover parking onto her site.

Don Jackson, just asked a clarification question about the zoning on his property, and Mr. Whiteman responded to Mr. Jackson's satisfaction.

John Joseph, Jr., with the law firm of Minter, Joseph and Thornhill, represents a property owner with LI zoning. Unlike the Govalle neighborhood plan, this piece of property has been operated as an automotive dealership for years. Though the existing use is permitted in CS, the automotive industry is changing, such as switching to electric and hydrogen fuel, and the use may need LI zoning to allow for future uses. The client has signed a petition against the rezoning. The property owner does not want a conditional overlay for the LI zoning. In response to Commissioner Riley's question about ruling out uses, Mr. Joseph said that they would prohibit adult-oriented businesses.

Steve Roger said he supports the plan. He noted that the neighborhood he lives in gets narrow as it goes north, and the residents start to get close to commercial properties.

Greg Strmiska, on behalf of the Huntsman Corporation, said that Huntsman has been on the property for the past 10 years. They have developed a strong relationship with the Northwest Optimist Club. They have reduced the operations on the site to research and development, and the property has agreed to a 10% limit on basic industry. With regard to the traffic, would like to defer the decision on access to the site plan stage, as staff has requested. Huntsman has voluntarily offered to preserve the 17 acres where soccer fields are located. That property provides open space and a buffer between the industrial and the residential.

Commissioner Sullivan asked what the nature of the legal agreement between the optimist club and Huntsman. Mr. Strmiska said there is a year-to-year lease agreement. The existing zoning on the property is LI. Mr. Strmiska said that LI does not have conditions or restrictions. Commissioner Sullivan clarified that it is goodwill to maintain that area as green space and ballfields.

Commissioner Riley asked about the goal of reducing light and amplified noise from the ball park operated by the northwest optimist club. Mr. Strmiska said they would work on addressing those issues.

Gladys Gresser, a resident for 56 years, said Huntsman has been a good neighbor, and has been on their Community Advisory Group. The Huntsman employees volunteer in the schools. Huntsman had been notified of the planning process rather late, but they made up for lost time. The neighborhood met with them in December, and have made lots of progress, however the neighborhood disagrees with the idea of planning for the site even though Huntsman does not have immediate plans to move. She thinks it has been a good process.

Clayton Copeland, chief umpire at Northwest Optimist Club, shared that he has seen many 5-6 year olds having a good time playing sports. He pointed out the benefits and intangibles of having the playing field.

Jim Brown, member of the Board of Directors of the Northwest Optimist Club, presented the history of the club. The club represents more than 50 years of service. There are 11 optimist clubs in Austin. The optimist club awards scholarships. In 1953, Burnet Road was a gravel road. Lamar was the main route through town. The chemical plant was there in 1953. Further south was residential and the UT tower. Polaris and Burnet was the location of the first football field. The Optimist club created baseball fields on Huntsman property in 1954. The optimist club has 700-800 kids.

Olga Henson, also a member of the Optimist Club, an all-volunteer organization. She explained the costs of maintaining the sports fields. Registrations, concession stands, fundraisers provide funds.

Tom Tarvin is a 17-year coach at the Huntsman Sports Complex. Only four of 58 city parks offer shared use baseball fields. So, Huntsman owns 25% of the baseball fields in northwest Austin (starting from Cesar Chavez).

Commissioner Riley says the PDA shows preservation of 17 acres for open space. Mr. Tarvin said that the 17 acre property is exactly the area of the sports fields.

Dorman McGinty, with the park since 1972 as a coach. Said it is all about the kids.

Jim Wittliff, represents the owner at 8990 Research Blvd, portion of Tract 3. The neighborhood plan calls for a rezoning to CS-NP. The property is bordered by a warehouse on two sides, railroad, and a shopping center, with a warehouse. The current use on the subject property is a CS use, but has industrial zoning. The owner would like to keep the industrial zoning, and is willing to exclude basic industry, resource extraction, and other uses if appropriate. Mr. Wittliff asked the Commissioners to maintain industrial zoning on the site.

Eddie Gary, recently became part of process. He lives and owns rental property on Morrow Street. The Huntsman and optimist club have been very good neighbors. He said the survey by the City, and by the neighborhood association, had leading questions. He understands Austin will

not stay like it was in the 1980s. The real people impacted by the Huntsman Corporation have not really been involved with the process.

Stacy Harding, owner of Tract 112 on Northwest Drive and Bravado, said there is a preschool there, and there is a lot of traffic, there is no outlet. But putting multi-use on the property, which seems like anything can be put on it, is not needed. He left Austin 28 years ago, and recently became a City employee. He wants to make existing neighborhoods better. He agrees that the optimist club should be maintained.

Mr. Whiteman said that the zoning would be LR, but limited to site development regulations compatible with single-family zoning, and with MU, to allow for residential uses.

Amelia Lopez-Phelps, speaking on behalf of property owner of 7700-7720 North Lamar, Continental Auto, has a site plan approved in 2001. They are concerned about the prohibition of the uses of vehicle storage and limited warehouse and distribution. In the event that the body shop is relocated, the owner would like to continue to store the vehicles on that site. One of the conditional overlays requires a 50-foot setback. They just want to comply with compatibility standards. They have met with the neighborhood and so have a letter from them showing improvements that the owners are willing to provide, and will provide a restrictive covenant before final Council action.

Sylvia Herrera requested that her property be rezoned to multi-family. For Crestview, she is against the front porch setback and the garage placement. She thinks the 15 feet setback is just too little. The garage placement restriction requires garages to be flush with the front façade, and does not allow for minor variations. It is not clear if the front porch would be considered the façade. It should be clarified in the ordinance. She recalls that the Huntsman Corporation went to the Board of Adjustment requesting a buffer between its plant and the residential.

Commissioner Armstrong requested clarification of garage placement issue, specifically does the actual front wall of the house have to be aligned with the garage. Mr. Whiteman said that the ordinance is not very clear, but the front porch is required to be the front setback line. In the case that the porch extends into the front setback, the garage would have to comply with the front building setback, so the garage could not be aligned with the porch.

Dave Considine, lives in the Crestview neighborhood, requested the Planning Commission recognize that the neighborhood contributes to commerce and industry already, and would like to keep it at the current level and not increased. The Crestview Neighborhood Association survey took a lot of time and energy.

Nikelle Meade, represents a commercial property owner of Tract 106, spoke in favor of staff recommendation. The problem with the neighborhood association survey is that it is unknown who received the survey. They have not seen the distribution list. The property owners that she represents did not receive the survey. Though not perfect, support the staff process, not the neighborhood association survey process.

Paul Foreman supports the Huntsman's proposal to preserve the 17 acres as open space, but he is concerned about the 10% allowance for the basic industry. They have been a good neighbor, but

if they do move, it is a fine development area, and there could be a severe impact. He's seen Burnet Road develop since 1956. He is depending on the Commission to protect the neighborhoods, to limit high-rise intense developments. He supports slow, steady growth.

Gray Richardson, a homeowner in the Crestview neighborhood, is vice-president of youth services for Northwest Optimist Club. The optimist club placates concerns of neighborhoods. They planted shrubs and water fields to reduce the dust. The PA system has been disconnected to reduce amplified noise. They do have lights at night, and they turn off these lights at 10:30pm, just like other city parks. They have tried to do everything to be good neighbors.

DID NOT SPEAK

Jim Bennett

Richard Bennett

Jeff Lafitte

Mike Meroney

Joyce Ghosh

Walterene Peters

Terry Bray

Lourdes Jones

John Mendez

Ignacio Nash Gonzalez

Tim Ramirez

BC Knowlton

Margie Daugherty

Virginia Rose

Kathleen Orillion

Felicia Morrison

MOTION: CLOSE PUBLIC HEARING

VOTE: 5-0 (DS-1st, CM-2nd; NS- OFF DAIS, LO-ABSENT)

Discussion

Commissioner Sullivan said that the plan specifically calls for preservation of the sports fields on the Huntsman properties. Currently, there is no long-term legal agreement to preserve the sports fields, but the plan will be the only document that states preservation.

In response to Commissioner Medlin's question, Mr. Whiteman said that the PDA does not guarantee that the baseball fields will remain, but will remain open space.

Commissioner Sullivan asked if there were other neighborhood plans where the neighborhood association offered recommendations different from the staff. Mr. Soliz said that there have been other plans, such as Holly and Govalle, and in some cases the staff recommendation reflects consensus, but in others, does not. Commissioner Medlin said that the conditional overlay was developed after the survey, and the association's survey only went to residential owners, not the non-residential owners.

Commissioner Riley asked Mr. Harris about Tract 123. Mr. Harris said that the neighborhood would try to reach an agreement to make it acceptable to remove the two uses from the proposed prohibited use list from the conditional overlay.

Commissioner Spelman asked for clarification about the differences between the neighborhood association's and Huntsman's proposals. Mr. Harris said he was not prepared to answer the question because he had not had time to review the Huntsman proposal, and said he would like more time to review the proposal.

Mr. Whiteman, in response to Commissioner Spelman's question, said the City would be concerned about rezoning the single-family properties to SF-2 because that would be an enforcement of a private deed restriction. He clarified that the property owners could build a second unit, and it would be up to the neighborhood to enforce the private deed restriction.

David Lloyd, with the City Attorney's office, clarified that the City does not enforce private deed restrictions. The document that Mr. Harris referred to is not an affidavit, it is more of a statement that the City is not checking the private deed restrictions. If the property is rezoned, it would be characterized as a rezoning, and that it would be reviewed for whether the rezoning is consistent or inconsistent.

Commissioner Riley asked Mr. Boyle about the property owner with the automotive shop that wants to keep the LI zoning. Mr. Boyle said that is difficult for him to respond to. The residents will be willing to listen to the property owner's request before the Council hearing.

Commissioner Moore presented a slide show showing the changes in development in Austin between 1955 and 2000.

**MOTION: APPROVAL OF NEIGHBORHOOD PLAN, AS RECOMMENDED BY STAFF.
VOTE: 6-0 (DS-1st, NS-2nd; LO-ABSENT)**

Commissioner Riley clarified that the "Recommendation for Modifications to Draft Plan" is not part of the motion.

Commissioner Spelman respects the ideas on that sheet, and would like to see staff recommending it before it goes to Council.

**MOTION: APPROVE STAFF RECOMMENDATION, WITH REQUEST THAT THERE BE FURTHER DISCUSSION BETWEEN THE NEIGHBORHOOD AND PROPERTY OWNERS FOR PROPERTIES WITH DISPUTES. (Motion did not include consideration of SF-2 down-zoning.)
VOTE: 6-0 (DS-1st, NS-2nd; LO-ABSENT)**

Commissioner Spelman said on tract 3, that the current use is CS, and does not see how an LI use could be put on the small, sliver of a tract. She supports staff recommendation on Watson and Tract 106. On Tract 123, the staff, property owners and neighborhood will work on an agreement before Council. For the properties that want SF-2 zoning, considering Mr. Moore's presentation, she supports more density in the core.

Commissioner Medlin said she would like to see some discussion of the conditional overlay. Her problem with it is that the overlays that apply to the Crestview area have not been addressed with the individual property owners, and would like to see discussion with those property owners. In regards to the SF-2 rezoning issue, this is the only opportunity for the residents to get a zoning change without having to pay the zoning fees.

Commissioner Spelman said that it would be better for staff to get information from the neighborhoods, and to consider the SF-2 issue separately.

Commissioner Armstrong thanked the Huntsman Corporation for working with the neighborhood.

Commissioner Riley said he will support the motion. He said the requests for tracts 3 and 12 are reasonable. In both cases, the property owners are willing to discuss limitations. He would like to include in the motion that they would like to see discussion between neighborhood and property owner on those tracts. He also would like to see the SF-2 rezoning be reviewed.

Commissioner Sullivan replied that he would be okay with the LI-CO zoning for tracts 3 and 12, but not the SF-2.

Commissioner Sullivan clarified the motion: Staff recommendation, but for tract 12 and making limited warehousing and vehicle storage permitted for tracts 123, and subject to further discussion of disagreements between neighborhood and property owners.

Commissioner Moore said he will support the motion to support the process, but does not think it is the right plan.

- 7. Resubdivision: C8-03-0170.0A - Resubdivision of Lot 10, Block 3, Outlot 34**
 Location: 1207 Alamo Street, Boggy Creek Watershed, Chestnut NPA
 Owner/Applicant: Richard Glasco and Gene Mays
 Agent: Rivera Engineering (Mike Rivera)
 Request: Approval of a resubdivision final plat. Applicant is requesting a variance to Section 25-6-351, which requires the installation of sidewalks in a subdivision. This variance is for Alamo Street.
 Staff Rec.: **Recommended**
 Staff: Joe Arriaga, 974-3425, joe.arriaga@ci.austin.tx.us
 Watershed Protection and Development Review

MOTION: APPROVE BY CONSENT.
VOTE: 6-0 (NS-1ST, MA-2ND; LO-ABSENT)

8. Subdivision Final without Preliminary C8-04-0006.0A - Multek Subdivision

Preliminary:

Location: 3300 W. Braker Lane, Shoal Creek / Walnut Creek Watershed, North Burnet NPA
 Owner/Applicant: MultiLayer Tek, L.P. (Eric Rebich)
 Agent: Bury & Partner, Inc. (Danielle Simmers)
 Request: Approval of the Multek Subdivision Preliminary composed of 23 lots on 70.5 acres.
 Staff Rec.: **Disapproval**
 Staff: Don Perryman, 974-2786, don.perryman@ci.austin.tx.us
 Watershed Protection and Development Review

MOTION: APPROVE BY CONSENT.
VOTE: 6-0 (NS-1ST, MA-2ND; LO-ABSENT)

B. OTHER BUSINESS

ITEMS FROM THE COMMISSION

COMMISSIONERS RILEY AND SULLIVAN REQUESTED TO HAVE THE BELOW CASE BROUGHT BACK TO PC FOR RESCIND, RECONSIDERATION AND FOR ACTION. THE CASE MUST BE RENOTIFIED.

THIS CASE WAS ON THE JANUARY 27, 2004 PC AGENDA:

9. Site Plan Conditional Use Permit SPC-03-0018C - Shurgard Storage Center

Permit:

Location: 1304 W. 5th Street, Town Lake Watershed, Old West Austin NPA
 Owner/Applicant: Etta Cohn Lipson
 Agent: Richard Mathias
 Request: Approval of Conditional Use Permit
 Staff Rec.: **Recommend Approval of Conditional Use Permit**
 Staff: Kathy Haught, 974-2724, kathy.haught@ci.austin.tx.us
 Watershed Protection and Development Review

MOTION: APPROVE BY CONSENT
VOTE: 7-0 (NS-1ST, CR-2ND)

Report from the Committee Chairs.
 Periodic Reports from Zoning and Platting Commission.